

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)
v.) CR. NO. 03-00253-CG
JOSHUA JOHN BURGE,) CV. NO. 15-00481-CG
Defendant.)

ORDER

In light of the Supreme Court's ruling this date¹ affirming the retroactive application of *Johnson v. United States*, 576 U.S. ____, 135 S. Ct. 2251 (2015), the Court hereby **GRANTS** defendant's Motion to Vacate (2255) (Doc. 43), and **VACATES** the sentence previously imposed in this case.

Defendant's motion for immediate release from custody on bail (Doc. 49) is **GRANTED**, and he is directed to report to the U.S. Probation Office within 72 hours of release. Because Defendant has served more than the now 10 year maximum sentence, the parties are **ORDERED** to show cause, on or before April 25, 2016, why the Court should not simply enter a new judgment in this case, sentencing the defendant to the 10 years (statutory maximum) which he has already served, followed by a one-year term of supervised release. Should the defendant desire a new sentencing hearing, he should notify the Court of that fact by April 25, 2016.

¹ *Welch v. United States*, 578 U.S. (2016).

The Clerk is directed to send a copy of this Order to the institution at which the defendant is housed.

DONE and ORDERED this 18th day of April, 2016.

/s/ Callie V. S. Granade
SENIOR UNITED STATES DISTRICT JUDGE